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CHARLES ELMORE CRO

IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1949.

No. 535

HARRIS HENRY HORNER PRO SE,
Petitioner,

vs.

UNITED STATES OF AMERICA,
Respondent.

Petition for Rehearing.

HARRIS HENRY HORNER, *Pro Se,*
440 West 63rd Street,
Chicago, Illinois.

The Scheffer Press, Inc.—FInancial 6-2694

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HARRIS HENRY HORNER, Pro Se, Petitioner, vs. UNITED STATES OF AMERICA, Respondent.	}	No. 535

PETITION FOR REHEARING.

Petitioner respectfully petitions that a rehearing be allowed herein and shows:

1. That on February 13, 1950, this Court entered the following order herein:

"The motion to dispense with printing the record is granted. The petition for writ of certiorari is denied."

The Court's decision in the above-entitled cause above set forth is in error for the following reasons:

(1) The Court did not order the Clerk of the Court of Claims to furnish this Court a complete transcript of the record as required by law and requested by this petitioner (page 12 of Petition for Writ of Certiorari) and that on May 2, 1949, by order of the Court of Claims seventeen of petitioner's exhibits were ordered to be attached to the original petition and made a part thereof. These exhibits were not in the transcript furnished by the Clerk of the Court of Claims and therefore how could this Court render a decision on only a partial transcript.

These exhibits set up as follows:

Exhibit one. Original submission of claim one asking for remuneration if used.

Exhibit two. A submission on form 8 to the respondent asking for remuneration if claim one was used.

Exhibit three. Acknowledgment by respondent that the subject of claim one had been received and considered and filed for future consideration.

Exhibit four. Respondent's communication transferring the subject of claim one from one Department to another of the United States Government.

Exhibit five. Sets out a resubmission by the petitioner.

Exhibit six. Respondent's acknowledgment of the resubmission of the petitioner.

Exhibit seven. A second acknowledgment by the respondent.

Exhibit eight. Shows use and sale of subject of claim one by the United States Government.

Exhibit nine. Demand upon the respondent for remuneration and royalties for the uses of the subject matter of claims one and two.

Exhibit ten. Respondent's admission of receipt of demand made in exhibit nine.

Exhibit eleven. Respondent's acknowledgment of subject matter of claim two.

Exhibit twelve. Photographic proofs of subject matter of claim two.

Exhibit thirteen. Respondent's full acknowledgment of the mishandling by it of the subject matter of claim two.

Exhibit fourteen. Respondent's claim subject matter of claim two was not used by it.

Exhibit fifteen. Disproves respondent's claim made in exhibit fourteen.

Exhibit sixteen. Further disproves respondent's claim made in exhibit fourteen.

Exhibit seventeen. Proves use of subject matter of claim two by the respondent.

These exhibits prove as follows:

(a) That the petitioner had a contract with the respondent.

(b) That the contract was violated by the respondent by using, selling, and manufacturing without petitioner's authorization and without compensation to him.

(c) Respondent by mistake, intentional fraud, and in violation of Statute U S C 35 paragraph 42a and 42c took property of petitioner without compensation.

(d) That Article I Section 8 of the Constitution of the United States was violated by not protecting the petitioner as therein given him as shown by facts in said exhibits.

The incomplete transcript furnished by Clerk of the Court of Claims does not permit this Court to properly consider the question of the allowance of the Writ of Certiorari, because if the Court had the complete transcript it would be violating their respective oaths of office to uphold the Statutes and the Constitution of this United States, where our own Government in violation of its contracts takes away from our citizen the fruits of his labor and uses, sells, manufactures and gives away to foreign countries lend lease and whatnot without compensation this Court should not and may it never permit such to take place in these United States of America. To allow such would permit our own Government through its agencies and courts to conspire against our own citizens and take away, by fraud and conspiracy and use up the

fruits of the labor of our American Citizens. The complete record in this cause was requested in the petition for the Writ of Certiorari herein and this Court should not deny the request for this record to be brought into this Court and should it do so it will encourage and put its stamp of approval of our Government even when contracted to the contrary to take away from our citizens that which the Statutes and Constitution guarantees each and every one of our citizens.

The original petition in the Court of Claims and the seventeen exhibits set out a cause of action and show jurisdiction of the Court of Claims and this Court should so hold.

Respectfully submitted,

HARRIS HENRY HORNER, *Pro Se,*
440 W. 63rd Street,
Chicago, Illinois.

I, Harris Henry Horner, hereby certify that the foregoing Petition for Rehearing is presented in good faith and not for delay.

Harris Henry Horner
Pro Se.